

APR 05 2007

Appl. No. 10/740,261
Docket No. 9475
Amdt. dated April 5, 2007
Reply to Office Action mailed on February 7, 2007
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REMARKS

Applicants acknowledge the withdrawal of the 35 USC §112 rejections.

Claim 1 has been amended to define the claimed invention with greater specificity by emphasizing that the multi-layered fibrous structure comprises at least one layer comprising randomly distributed long cellulosic fibers and at least one other layer of the structure comprising a mixture of short cellulosic fibers and synthetic fibers, wherein the synthetic fibers are non-randomly distributed within the layer such that the structure comprises regions of different basis weight of the synthetic fibers across the at least two layers. Support of this amendment is found in the Specification, especially at page 8, line 28 to page 9, line 1, and page 18, lines 24-28 to page 9, line 1; page 18, lines 24-27; Figures 9, 9A and 10 and the Claims as originally filed.

Claims 1-6, 8-15, 17-20 and 22 are pending. No additional claims fee is believed to be due.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 5,538,595

Claims 1, 5-6, 17-20 and 22 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 5,538,595 to Trokhan et al. ("Trokhan"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers wherein one of the layers comprises long cellulosic fibers and another layer comprises short cellulosic fibers. The Examiner asserts that Trokhan further discloses that synthetic fibers may be utilized in combination with the cellulosic fibers. The Examiner asserts that since Trokhan teaches that its fibrous structure is caused to conform to the surface of an open mesh drying/imprinting fabric and/or may be pattern densified then Trokhan discloses a mixture of short cellulosic fibers and synthetic fibers, as a whole, are arranged in a non-random pattern. Lastly the Examiner refers to Figures to support his position.

Applicants respectfully submit that Trokhan fails to teach each and every element of Claim 1, as amended, because Trokhan fails to teach a multi-layered fibrous structure having at least one layer that comprises randomly distributed fibers and at least one other layer that comprises non-randomly distributed fibers. Accordingly, Applicants respectfully submit that Claim 1, as amended, is not anticipated by Trokhan. Further,

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Applicants submit that Claims 5-6, 17-20 and 22, which ultimately depend from Claim 1, as amended, are not anticipated by Trokhan.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in View of

U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of U.S. Patent No. 6,548,731 to Mizutani et al. ("Mizutani"). The Examiner recognizes that Trokhan fails to teach a specific fiber length ratio between the synthetic fibers and the short fibers. To overcome the deficiencies of Trokhan, the Examiner attempts to combine the teachings of Mizutani with the teachings of Trokhan to render Claims 2 and 3 obvious.

Applicants respectfully submit that the combined teachings of Trokhan and Mizutani fail to teach each and every element of Claim 1, as amended, for the same reasons that Claim 1, as amended, is not anticipated by Trokhan. Further, Applicants submit that Claims 2 and 3, which depend from Claim 1, as amended, are not rendered obvious over the combined teachings of Trokhan and Mizutani. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in View of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of WO 93/14267 to Manning ("Manning"). The Examiner recognizes that Trokhan fails to teach a PTP factor (diameter ratio) between the synthetic fibers and the short fibers. To overcome the deficiencies of Trokhan, the Examiner attempts to combine the teachings of Manning with the teachings of Trokhan to render Claims 4, 8-12 and 15 obvious.

Applicants respectfully submit that the combined teachings of Trokhan and Manning fail to teach each and every element of Claim 1, as amended, for the same reasons that Claim 1, as amended, is not anticipated by Trokhan. Further, Applicants submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended,

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are not rendered obvious over the combined teachings of Trokhan and Manning. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in View of

U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest"). The Examiner recognizes that Trokhan fails to teach a specific synthetic fiber diameter and length. To overcome the deficiencies of Trokhan, the Examiner attempts to combine the teachings of Henbest with the teachings of Trokhan to render Claim 9 obvious.

Applicants respectfully submit that the combined teachings of Trokhan and Henbest fail to teach each and every element of Claim 1, as amended, for the same reasons that Claim 1, as amended, is not anticipated by Trokhan. Further, Applicants submit that Claim 9, which depends from Claim 1, as amended, is not rendered obvious over the combined teachings of Trokhan and Henbest. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in View of

U.S. Patent No. 5,405,499 or 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw"). The Examiner recognizes that Trokhan fails to teach specific coarseness values. To overcome the deficiencies of Trokhan, the Examiner attempts to combine the teachings of Vinson and/or Kershaw with the teachings of Trokhan to render Claims 13 and 14 obvious.

Applicants respectfully submit that the combined teachings of Trokhan and Vinson and/or Kershaw fail to teach each and every element of Claim 1, as amended, for the same reasons that Claim 1, as amended, is not anticipated by Trokhan. Further, Applicants submit that Claims 13 and 14, which depend from Claim 1, as amended, are

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not rendered obvious over the combined teachings of Trokhan and Vinson and/or Kershaw. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in View

of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5-6, 17-20 and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, in view of U.S. Patent No. 5,350,624 to Georger, et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen, et al. ("Chen"). The Examiner recognizes that Trokhan fails to teach a specific arrangement of his cellulosic and synthetic fibers. To overcome the deficiencies of Trokhan, the Examiner attempts to combine the teachings of Georger and/or Chen with the teachings of Trokhan to render Claims 1, 5-6, 17-20 and 22 obvious. Apparently, the Examiner is attempting to utilize the teachings of Georger and/or Chen, which the Examiner asserts teach fibrous structures that exhibit regions of different basis weight in a non-random pattern. With respect to Georger, the Examiner asserts that Georger, which teaches a single layer structure that has a greater concentration of synthetic fibers on the exterior surfaces of the structure than on the interior surfaces of the structure, teaches regions of different basis weight. The Examiner is then apparently replacing the a synthetic fiber-comprising layer of Trokhan with a single layer structure of Georger or Chen to attempt to render Claims 1, 5-6, 17-20 and 22 obvious.

Applicants appreciate that Georger teaches a layer (a mixture) of short cellulosic fibers and synthetic fibers wherein the exterior surfaces of the layer have a higher concentration of synthetic fibers than the interior of the layer. Accordingly, Applicants respectfully submit that Georger teaches that short cellulosic fibers and synthetic fibers may be arranged in a non-random pattern within the layer. However, Applicants respectfully submit that Georger fails to teach or suggest that its layer (mixture) of short cellulosic fibers and synthetic fibers, as a whole, is arranged in a non-random pattern within a fibrous structure that also comprises a layer of long cellulosic fibers (as exemplified, for example, in Fig. 10 of the present application).

Applicants appreciate that Chen teaches a composite material; namely, a single layer comprising a mixture of pulp fibers and polymer, "such as the materials disclosed in

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Georger." However, like Georger, Applicants respectfully submit that Chen fails to teach or suggest that its layer (mixture) of short cellulosic fibers and synthetic fibers, as a whole, is arranged in a non-random pattern within a fibrous structure that also comprises a layer of long cellulosic fibers (as exemplified, for example, in Fig. 10 of the present application).

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen because the combined teachings of Trokhan, Georger and Chen fail to teach each and every element of Claim 1, as amended. More specifically, Applicants respectfully submit that Trokhan, Georger and Chen, alone or in combination, fail to teach that their fibrous structures comprise a multi-layered fibrous structure comprising at least two layers wherein the synthetic fibers are non-randomly distributed within a layer such that the structure comprises regions of different basis weight of the synthetic fibers across the at least two layers.

Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03. Further, Applicants submit that Claims 5-6 and 17-20 and 22, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in View

of Georger or Chen and further in view of Mizutani

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen and further in view of Mizutani, all of which are described above.

Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Mizutani for the same reasons that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan, Georger and Chen. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over Trokhan in View
of Georger or Chen and further in view of Manning

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen and further in view of Manning, all of which are described above.

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in View
of Georger or Chen and further in view of Henbest

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen and further in view of Henbest, all of which are described above.

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in View
of Georger or Chen and further in view of Vinson or Kershaw

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen and further in view of Vinson or Kershaw, all of which are described above.

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over the combined teachings of

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Trokhan, Georger, Chen, Vinson and Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan

in View of Mizutani

Claims 1-3, 5-6, 17-20 and 22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above. The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be used in combination with cellulosic fibers. The Examiner asserts that Mizutani teaches arranging cellulosic fibers and synthetic fibers in a non-random pattern within a fibrous structure to form an absorbent article that passes a large amount of liquid so as to keep the surface dry. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cellulosic and synthetic fibers of Trokhan in a non-random pattern as taught by Mizutani.

Applicants appreciate that Mizutani teaches a layer (a mixture) of short cellulosic fibers and synthetic fibers. However, Applicants respectfully submit that Mizutani fails to teach that its fibrous structure comprises a multi-layered fibrous structure comprising at least two layers wherein the synthetic fibers are non-randomly distributed within a layer such that the structure comprises regions of different basis weight of the synthetic fibers across the at least two layers.

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani because the combined teachings of Trokhan and Mizutani fail to teach each and every element of Claim 1, as amended. More specifically, Applicants respectfully submit that Trokhan and Mizutani, alone or in combination, fail to teach multi-layered fibrous structures comprising at least two layers wherein the synthetic fibers are non-randomly distributed within a layer such that the structure comprises regions of different basis weight of the synthetic fibers across the at least two layers.

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Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 5-6 and 17-20 and 22, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in View
of Mizutani and further in view of Manning

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Manning, all of which are described above.

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over the combined teachings of Trokhan, Mizutani and Manning for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over Trokhan in View
of Mizutani and further in view Henbest

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Henbest, all of which are described above.

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over the combined teachings of Trokhan, Mizutani and Henbest for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over Trokhan in View
of Mizutani and further in view of Vinson or Kershaw

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani and further in view of Vinson or Kershaw, all of which are described above.

Applicants respectfully submit that Claims 13 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over the combined teachings of Trokhan, Mizutani, Vinson and Kershaw for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

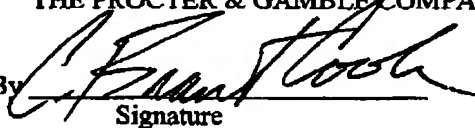
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


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